



**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, NY 10007

GEORGIA M. PESTANA
Corporation Counsel

CAROLYN E. KRUK
Office: (646) 356-0893
ckruk@law.nyc.gov

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October 20, 2021

By ECF

Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Michael Jones v. Jane Doe et al.*, 21-CV-02145 (MKV)(RWL)

Dear Judge Vyskocil:

I am the Assistant Corporation Counsel assigned to the defense of the above captioned matter. I write to request an adjournment of the status conference scheduled for November 4, 2021 at 11 a.m., to November 18, 19 or 22, 2021, or another later date that is convenient to the Court. I also write to update the Court on the Law Department's efforts to identify the John and Jane Doe officers pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997).

I respectfully request an adjournment of the November 4, 2021 status conference as I will be participating in a Summary Inquiry pursuant to Section 1109 of the City Charter in *Carr (Eric Garner) v. de Blasio*, Index No. 101332/2019 (N.Y. Cty), which begins on October 25, 2021 and likely continue for 2-3 weeks. This is Defendants' first request for an adjournment. As Plaintiff remains incarcerated I have not obtained his consent.

With respect to my ongoing efforts to comply with the *Valentin* Order, I served identification interrogatories on Plaintiff on August 25, 2021. I have not received any response. I served a second copy of these identification interrogatories on Plaintiff on October 18, 2021. If or when I receive a response I will inform the Court within two days, in compliance with Your Honor's August 19, 2021 Order. *See* Dkt No. 23.

With respect to Plaintiff's letter to Your Honor (Dkt No. 24), wherein he identifies the name of a possible Jane Doe, "Mrs. Uniberge", I have investigated this possibility. I confirmed that there is a female officer with a similar last name employed by the New York City Department of Correction. However, I also confirmed that she has not been assigned to DOC's West Facility where Plaintiff's claims allegedly arose. Nonetheless, I am scheduled to interview this officer tomorrow to determine whether she has any knowledge of or involvement in Plaintiff's claims. I was unable to interview her earlier as she was on leave. To date, this is the only name that Plaintiff has identified

for any John or Jane Doe defendant. Again, I will provide the Court with another update after I receive Plaintiff's responses to the identification interrogatories served on him a second time this week.

Accordingly, I respectfully request an adjournment of the parties' November 4, 2021, status conference to November 18, 19 or 22, 2021, or another later date that is convenient to the Court.

Thank you for your consideration of this request.

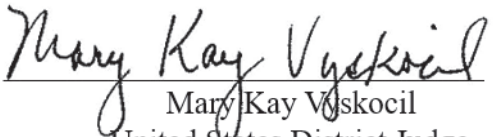
Respectfully submitted,

s/
Carolyn Kruk
Assistant Corporation Counsel

cc. by mail
Michael J. Jones, Jr.
18-A-1781
Wende Correctional Facility
Wende Rd, P.O. Box 1187
Alden, NY 14004

This request to adjourn the status conference that was previously scheduled to take place on November 4, 2021 is GRANTED, provided that counsel contacts the facility where Plaintiff is incarcerated and arranges for him to be informed of the adjournment in advance of that date. The conference is adjourned to November 18, 2021 at 2:30 PM. It will be held by telephone. To join the conference, dial 888-278-0296 and enter access code 5195844. Counsel should confirm with the corrections facility that Plaintiff will be made available to join the conference by telephone at the scheduled time. If the parties know of any reason that Plaintiff will not be available at that time, they must promptly notify the Court.

Date: October 28, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge